

Senate Study Bill 3135 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act establishing a conditional plea in a criminal case.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 801.1A Conditional pleas.

2 1. A defendant in a criminal proceeding may enter a
3 conditional plea requesting that the court review specific
4 legal issues before the plea is enforceable against the
5 defendant. The legal issues shall be presented to the court
6 in the form of a motion and in writing. The state may file a
7 response to the defendant's motion.

8 2. Upon the entry of a conditional plea, the court shall
9 review the specific legal issues contained in the motion.
10 After review of the legal issues, the court shall do one of the
11 following:

12 a. If the court does not resolve the legal issues in the
13 defendant's favor, the plea shall be accepted for any of the
14 relevant counts of the information or indictment that are
15 connected to the motion and not resolved in the defendant's
16 favor, and for those counts the court shall enter a judgment of
17 conviction, and the case shall proceed to sentencing on those
18 counts, subject to appeal.

19 b. If the court resolves the legal issues in the defendant's
20 favor, the defendant shall be found not guilty on any of the
21 relevant counts of the information or indictment that are
22 connected to the motion and resolved in the defendant's favor,
23 and the case shall be dismissed for those counts.

24 c. The court may ask the defendant and the state to
25 supplement the arguments contained in the motion or response to
26 the motion for further consideration by the court.

27 3. Either party to the motion may appeal the final order
28 of the court within the same time period as appeals taken in
29 similar criminal proceedings. An appeal has the effect of
30 staying any acceptance of the plea. If a district associate
31 judge or magistrate is the judge in the case, the appeal shall
32 be to the district court. If a district judge is the judge in
33 the case, the appeal shall be to the supreme court subject to
34 the provisions of section 602.4102.

35 EXPLANATION

1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill relates to the entry of a conditional plea in a
4 criminal proceeding.

5 Under the bill, a defendant in a criminal proceeding may
6 enter a conditional plea so that the court review specific
7 legal issues before the plea is enforceable against the
8 defendant. The bill requires that the legal issues shall be
9 presented to the court in the form of a motion and in writing.
10 The bill allows the state to file a response to the defendant's
11 motion.

12 Upon entry of a conditional plea, the court shall do one of
13 the following: if the court does not resolve the legal issues
14 in the defendant's favor, the plea shall be accepted for any
15 of the relevant counts of the information or indictment that
16 are connected to the motion and not resolved in the defendant's
17 favor, and for those counts the court shall enter a judgment of
18 conviction, and the case shall proceed to sentencing on those
19 counts, subject to appeal; if the court resolves the legal
20 issues in the defendant's favor, the defendant shall be found
21 not guilty on any of the relevant counts of the information or
22 indictment that are connected to the motion and resolved in the
23 defendant's favor, and the case shall be dismissed for those
24 counts.

25 Under the bill, either party to the motion may appeal the
26 ruling of the court within the same time period as appeals
27 taken in similar criminal proceedings. The bill specifies
28 that an appeal has the effect of staying any acceptance of the
29 plea. If a district associate judge or magistrate is the judge
30 in the case, the appeal shall be to the district court. If a
31 district judge is the judge in the case, the appeal shall be
32 to the supreme court subject to the provisions of Code section
33 602.4102.